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The Federal Supreme Court (F.S.C.) was convened on 15.9.2021 headed by Judge Jasem Mohammad Abbood and the membership of the judges Sameer Abbas Mohammed, Ghaleb Amer Shnain, Haidar Jaber Abed, Haider Ali Noory, Khalaf Ahmad Rajab, Ayoub Abbas Salih, Abdul Rahman Suleiman Ali, and Diyar Muhammad Ali, who are authorized to judge in the name of the people, they made the following decision:

**The party requesting to appoint the competent court:**

Ninawa Investigation Court.

**The Request:**

The judge of the Nineveh Investigation Court requested the Federal Supreme Court, in accordance with the letter No. 12231 on 25/7/2021, to determine the venue competent court to investigate the case of the sponsored defendants (Adel Muhammad Salih Dhiab al-Dulaimi and Luay Muhammad Yusuf Suleiman al-Juhaishi) in accordance with Article (5) of the Anti- Trafficking in human beings Law No. (28) for the year 2012, the subject of which is trafficking in human organs. The case was registered with this court in No. 98 / Federal / 2021 and was put under scrutiny and deliberation, and the court issued the following decision:

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**The decision:**

Upon examination and deliberation by this court, it was found that on 7/12/2020 the Hamdania Investigation Court wrote down the statements of the accused (Yahya Saad Yahya) and stated that in 2019 he sold his kidney in the city of Erbil for a sum of money of ten million Iraqi dinars, on 29/12/2020 his statements were recorded as a witness and he stated that he knows a group of people who trade in human organs. Accordingly, the Mosul Investigation Court issued on 25/1/2021 an arrest warrant against the accused (Adel Muhammad Salih and Louay Muhammad Yusuf). On the same date, the arrest warrant was executed against the accused (Loay Muhammad Youssef) wrote down his words and stated that in 2018, after the liberation of the city of Mosul from the terrorist gangs of ISIS, he returned to the city of Mosul and saw the so-called (Abu Haider) and that the latter asked him to help him because his daughter is sick and needs a kidney and he donated his kidney to her and that the surgery is about that It was conducted in the city of Erbil at (Jin) Hospital, and the so-called (Abu Haider) handed him an amount of four million Iraqi dinars. On 11/2/2021, the arrest warrant was executed against the accused (Adel Muhammad Salih Dhiab). In 2014, his generator operator works inside the building of Dr. (Hawar Hajji) and Dr. (Safa' Al-Din Al-Shehab) specializing in nephrology, and that many people from Mosul and the southern regions frequent his clinic, as well as people who trade in human organs, and he has nothing to do with them and he has not sold his kidneys. On February 14, 2021 the judge of the Mosul Investigation Court decided to refer the investigative papers to the Erbil investigation to complete the investigation according to the spatial jurisdiction of the occurrence of the accident in the Erbil governorate in accordance with the

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provisions of Article (53) of the Code of Criminal Procedure No. (23) of 1971 as amended and dated 26/ 4/2021 The judge of the Erbil Investigation Court decided to return the investigative papers to the Mosul Investigation Court because the last court had made a great stride in the investigation and that the spatial jurisdiction was not from public order and that the Kurdistan Region Court of Cassation did not have jurisdiction over the federal courts and on 13/7/2021 a judge decided Nineveh Investigation Court The matter was presented to the Federal Supreme Court based on the provisions of Article (93) of the Constitution of the Republic of Iraq for the year 2005 to determine the court with jurisdiction over the investigation. The investigative papers were transferred to the division for Combating Trafficking in Persons and Human Organs under the supervision of the judge of the left Mosul Investigation Court, then the investigative papers were presented to the Nineveh Investigation Court after they were returned from the Erbil Investigation Court to So, the investigation, as of December 7, 2020, was taken over by the investigation courts affiliated to the Nineveh Federal Appeal Court, and it has been going on for a long time, and the agreement between the accused and the others took place in the city of Mosul. In which the whole or part of the crime, or any act complementing it, or any result thereof, or an act that is part of a compound, continuous or sequential crime, or a habitual criminal, as determined by the place where the victim was found, or where the money in respect of which the crime was committed was found after its transfer was committed To him by the perpetrator or a person aware of it. Accordingly, and for all of the above, the court decided to consider the Nineveh Investigation Court as the court with spatial jurisdiction to conduct the investigation in the case of the accused (Adel Muhammad Salih

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Diab and Loay Muhammad Yusuf), and to notify the Erbil Investigation Court of that, and that the last court's decision to return the investigative papers to the left Mosul Investigation Court dated 26/ 4/2021 is incorrect and contrary to the law, as it had to, when it saw to it that it was not competent to conduct the investigation, take into account the provisions of Article (93/eighth/a) of the constitution and to submit the matter to this court to determine the court with jurisdiction over the investigation, not to decide to return the investigative papers to The Left Mosul Investigation Court, and the decision was issued in agreement, definitively and binding on all authorities, based on the provisions of Articles (93/Eighth/A) and (94) of the Constitution of the Republic of Iraq for the year 2005 and Articles (4) and (5) of the Federal Supreme Court Law No. (30) of 2005 Amended by Law No. (25) of 2021 on Safar 7/ 1443 AH corresponding to 9/15/2021 AD

Signature of  
The president

**Jasem Mohammad  
Abbood**

Signature of  
The member

**Sameer Abbas  
Mohammed**

Signature of  
The member

**Ghaleb Amer Shnain**

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Signature of  
The member

Signature of  
The member

Signature of  
The member

**Haidar Jaber Abed**

**Haider Ali Noory**

**Khalaf Ahmad Rajab**

Signature of  
The member

Signature of  
The member

Signature of  
The member

**Ayoub Abbas Salih**

**Abdul Rahman  
Suleiman Ali**

**Diyar Muhammad Ali**